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2d Session

HOUSE OF REPRESENTATIVES

REPT. 101-458
Part 2

MODIFYING THE BOUNDARY OF THE CRANBERRY WILDERNESS

SEPTEMBER 17, 1990.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. DE LA GARZA, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 1576 which on March 22, 1989 was referred jointly to the Committees on Agriculture and Interior and Insular Affairs]

The Committee on Agriculture, to whom was referred the bill (H.R. 1576), to modify the boundary of the Cranberry Wilderness, located in the Monongahela National Forest, West Virginia, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. BOUNDARY MODIFICATION.

(a) BOUNDARIES OF CRANBERRY WILDERNESS.—Section 1 of the Act of January 13, 1983 (96 Stat. 2538, 16 U.S.C. 1132 note) is amended by deleting "on a map entitled 'Cranberry Wilderness—Proposed', dated May 1982" and inserting "on a map entitled 'Cranberry Wilderness—Revised,' dated February 1990".

(b) PROTECTIVE STIPULATIONS.—The construction, maintenance, and use of any structure or facility on those National Forest lands excluded from the Cranberry Wilderness by the boundary adjustment made by this Act shall be restricted to protection and enhancement of the fishery and other natural values of the Cranberry River, the Cranberry Wilderness and its surrounding environment, and all such structures and facilities on such lands shall be constructed of materials that blend, and are compatible with, the immediate and surrounding landscape.

(c) EXTENSION.—The provisions of the Wild and Scenic Rivers Act applicable to river segments to be studied for potential addition to the wild and scenic rivers system under section 5(b) of that Act shall apply to those segments of the Gauley River, the Cranberry River and the North Fork of the Cherry River as are within the Monongahela National Forest, West Virginia, until December 31, 1993, except that nothing in section 7(b) and section 12 of such Act shall prohibit the construction, maintenance and use of a structure or facility referenced in subsection (b).

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H.R. 1576, Brief Explanation

The bill removes approximately 5 acres of National Forest lands from the Cranberry Wilderness and adds approximately 5 acres of National Forest lands to the Cranberry Wilderness. Any facility built or used on the lands removed from the wilderness under the bill must blend with, and be compatible with, the landscape and may be used only for protecting and enhancing the cranberry River, Wilderness and surrounding environment.

The bill also provides wild and scenic river study protection until December 31, 1993 for the three river segments within the Monongahela National Forest but provides that these designations will not prohibit the construction and use of any facility used for protecting and enhancing the Cranberry River, Wilderness and its surrounding environment.

Purpose and Need

The purpose of H.R. 1576 is to modify the boundary of the Cranberry Wilderness, located in the Monongahela National Forest in West Virginia.

As introduced, the bill required the boundary modification based on a map which would have deleted approximately 17 acres from the wilderness area. As amended, the bill will delete a tract of approximately 5 acres from the wilderness area, offset by the addition of another 5-acre tract elsewhere in the wilderness.

This boundary modification will allow the State of West Virginia to construct a facility to treat the Cranberry River, which has become heavily acidic, to promote a year-round trout population in the river. Such construction and treatment could not occur within the existing wilderness area under the provisions of the Wilderness Act.

The bill expressly limits the purposes for which the planned structure may be operated, and in order to protect the scenic and esthetic qualities of the area requires that the facility be constructed of materials that blend and are compatible with the landscape.

H.R. 1576 also provides interim wild and scenic river study protection to parts of three West Virginia rivers (Cranberry, Gauley, and North Fork of the Cherry).

Section-by-Section Analysis

Section 1(a) revises the map of the Cranberry Wilderness.

Section 1(b) requires that any structure or facility built, maintained or used on the National Forest lands removed from the wilderness under the bill be used only for protecting and enhancing the Cranberry River, the Cranberry Wilderness, and its surrounding environment. Section 1(b) further requires that those facilities and structures blend with, and be compatible with, the landscape.

Section 1(c) provides wild and scenic river study protection until December 31, 1993 for the river segments of the Cranberry River, the Gauley River, and the North Fork of the Cherry River within the Monongahela National Forest.

Section 1(c) further provides that these designations will not prohibit the construction, maintenance and use of any structure or fa-

cility built, maintained or used on the National Forest lands removed from the wilderness under the bill that is used only for protecting and enhancing the Cranberry River and the Cranberry Wilderness and its surrounding environment.

COMMITTEE CONSIDERATION

I

The Subcommittee on Forests, Family Farms, and Energy conducted a public hearing on H.R. 1576 on June 13, 1990. Testimony was received from Rep. Harley O. Staggers of West Virginia, sponsor of the bill, and Mr. F. Dale Robertson, Chief of the Forest Services, Department of Agriculture. Both witnesses testified in support of the general purpose of the bill and in support of modifications which were subsequently incorporated.

II

The Subcommittee met, pursuant to notice, in open business session on June 19, 1990. Without objection, the Subcommittee agreed to the motion by Mr. Volkmer to consider an amendment in the nature of a substitute to H.R. 1576. Following a discussion of the substitute, which conformed the bill of recommendations of the Administration, the substitute was agreed to and Mr. Morrison moved to favorably report the bill to the Committee. The motion was agreed to by voice vote in the presence of a quorum.

III

The Committee on Agriculture met in open business session on July 18, 1990. Chairman de la Garza, after calling the meeting to order, recognized Mr. Volkmer, who described H.R. 1576 as amended by the Subcommittee. Messrs. Staggers, Morrison, and Brown spoke in support. Mr. Volkmer moved to report the bill, as amended, favorably to the House, and the motion was agreed to by a voice vote in the presence of a quorum.

ADMINISTRATION POSITION

At the time of the filing of this report, the Committee had not received a report from the U.S. Department of Agriculture concerning H.R. 1576, as amended, a bill to modify the boundary of the Cranberry Wilderness, located in the Monongahela National Forest, West Virginia.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority, new spending authority, or new credit authority, or increased or decreased revenues or tax expenditures) are not considered applicable. The estimate and comparison required to be prepared by the Director of the Congressional Budget Office under clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section

403 of the Congressional Budget Act of 1974 were not received by the Committee prior to the filing of this report.

Inflationary Impact Statement

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 1576, as amended, will have no inflationary impact on the national economy.

Oversight Statement

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 1576, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of rule X of the Rules of the House of Representatives.

Changes in Existing Law

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

Act of January 13, 1983

(96 Stat. 2538)

DESIGNATION OF WILDERNESS AREAS

Section 1. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately thirty-five thousand six hundred acres, as generally depicted [on a map entitled "Cranberry Wilderness—Proposed", dated May 1982] *on a map entitled "Cranberry Wilderness—Revised", dated February 1990,* and which shall be known as Cranberry Wilderness: *Provided,* That for purposes of the Act of July 14, 1955 (69 Stat. 322) as amended, the Cranberry Wilderness may be reclassified only by Act of Congress enacted after the date of enactment of this Act;

(2) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork North Wilderness—Proposed", dated November 1981, and which shall be known, as the Laurel Fork North Wilderness; and

(3) certain lands in the Monongahela National Forest, West Virginia, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Laurel Fork South Wilderness—Proposed", dated November 1981, and which shall be known as the Laurel Fork South Wilderness.

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